

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES WILKINS	§	
TDCJ-CID #1261718	§	
V.	§	C.A. NO. C-04-432
	§	
COUNTY OF SAN PATRICIO, ET AL.	§	

ORDER DENYING MOTION TO COMPEL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. Pending is plaintiff's motion to compel. (D.E. 32). Specifically, plaintiff requests the following: one, medical sick call request (dated); two, documented medical treatments (dated); three, medications received (when started); four, tuberculosis test (when administered); five, medical history (when retrieved); six, grievances (all); and seven, documents received by the county commissioners regarding plaintiff's complaints (all). Defendants filed a response in opposition to the pending motion to compel. (D.E. 35).

Defendants have also filed a motion for summary judgment in which they assert various defenses of immunity. (D.E. 33, at 1-2). Given that these immunity issues are still pending before the Court, plaintiff's discovery requests are premature. See, e.g., Wicks v. Mississippi State Employment Servs., 41 F.3d 991, 994-995 (5th Cir. 1995).

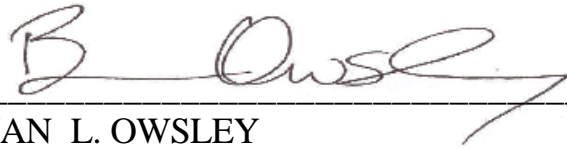
Moreover, defendants have provided plaintiff with the necessary initial

disclosures. It should be noted that defendants attached 71 exhibits to their motion for summary judgment, which include many of the documents that plaintiff seeks.

See (D.E. 33, at 2-5).

Accordingly, plaintiff's motion to compel, (D.E. 32), is DENIED.

ORDERED this 29th day of August 2005.

A handwritten signature in dark ink, appearing to read "B. Owsley", is written over a horizontal line.

BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE